



UNITED STATES DEPARTMENT OF COMMERCE  
National Oceanic and Atmospheric Administration  
NATIONAL MARINE FISHERIES SERVICE  
NORTHEAST REGION  
One Blackburn Drive  
Gloucester, MA 01930-2298

JUN 12 2007

**NOTICE TO AMERICAN LOBSTER  
PERMIT HOLDERS FISHING  
IN AREA 2, 3 AND OUTER CAPE COD  
LOBSTER CONSERVATION MANAGEMENT AREAS**

This Notice is to remind all Federal American lobster permit holders that the Atlantic States Marine Fisheries Commission (Commission) has taken, and that the National Marine Fisheries Service (NMFS) is contemplating taking, actions that may impact your lobster fishing business.

At present, the Commission has recommended that NMFS implement regulations that would potentially further limit access to Lobster Conservation Management Areas 2, 3 and the Outer Cape Lobster Conservation Management Area. As you are aware, the states and NMFS manage lobster within the framework of the Commission Interstate Fishery Management Plan for American Lobster (Lobster FMP). The Commission, comprised of state and Federal government representatives, coordinates efforts to develop fishery conservation and management strategies for coastal species, including lobster. Upon developing the strategy, the Commission will recommend that the states and NMFS create regulations to implement the strategy in their jurisdictional waters. The states manage lobster within the waters of their individual states, out to 3 nautical miles from shore, while NMFS manages lobster for the Federal government and has primary jurisdiction in waters 3 to 200 nautical miles from the shoreline.

Based on Commission recommendations, NMFS published an Advance Notice of Proposed Rulemaking in the Federal Register on May 10, 2005 (70 FR 24495), announcing its intention to evaluate a suite of measures that include limited access and/or transferable trap programs in LCMAs 2, 3, and the Outer Cape LCMA. Further, NMFS has noted in Federal Register notices dating from September 1, 1999 (64 FR 47756), that the agency would consider limitations or restrictions to future access to the lobster fishery in certain geographic areas. NMFS analysis of the Commission recommendations is presently ongoing and the agency has not determined what, if any, of the recommendations it will accept.

In the meantime, Federal lobster permit holders should be aware that present Federal lobster regulations remain in effect. NMFS regulations do not currently authorize a program for trap transferability, or the splitting of any Management Area eligibility



associated with a vessel's fishing and permit history, in any LCMA, including LCMA 2, and may not in the future. In addition, Federal lobster regulations require permit holders to abide by the more restrictive of either state or Federal regulations, including, but not limited to, LCMA-specific trap allocations. Further, Federal lobster permit holders should be aware that the sale or transfer of a Federal limited access permit might impact any future potential application into LCMA 2, 3 and the Outer Cape, to the extent that access to those areas is limited based upon a permit's fishing history. As you know, your Federal permit's fishing history is an indivisible part of your Federal lobster permit and cannot be separated and split off of the permit during transfer. NMFS will notify Federal lobster permit holders and interested parties of Federal regulatory actions and opportunity for public comment as appropriate.

For additional information specifically on the Commission Lobster FMP, please visit their website at [www.asmfc.org](http://www.asmfc.org). For additional information on current Federal lobster regulations, the full text of the regulations is available on our website: [www.nero.noaa.gov](http://www.nero.noaa.gov). You may also request a copy of current Federal regulations by calling (978) 281-9327, or by writing to NMFS, State, Federal and Constituent Programs Office, One Blackburn Drive, Gloucester, MA 01930. Thank you for your cooperation.

Sincerely,

A handwritten signature in black ink, appearing to read "Patricia A. Kurkul". The signature is fluid and cursive, with the first name "Patricia" being the most prominent part.

Patricia A. Kurkul  
Regional Administrator